Phase I Training

USCENTAF / A4
LGC - QAPC

Training Objective

- Provide skills and knowledge to assist Quality Assurance Personnel (QAP)

- Phase I and II are mandatory before starting duties as QAP

Overview

- Guidance
- Ethics / Government-Contractor Relationships - Mandatory
- Authority
- Changes to the Contract
- Unauthorized Commitments / Ratifications
- AFI 63-124 / PBSA - Mandatory
- 7 Steps to PBSA - Mandatory
- Contract Types
- Methods of Surveillance
- Do’s and Don’ts
- Fraud Brief

Guidance

- AFI 63-124 Performance-Based Service Acquisitions
- DoD 5500.7R, Joint Ethics Regulation
- AFI 51-1101, AF Procurement Fraud Remedies Program

Ethics/Government Contractor Relationships

- Both the Government and the Contractor are governed by acceptable standards of conduct
- Contractors are expected to be honest and fair in their statements, dealings and practices
- *Conflicts of Interest…Avoid even the appearance of…
- Bribery – a criminal offense, to offer, give or solicit / receive something of value for preferential treatmen

- Gratuities – a crime when a thing of value is offered/given or solicited/received with the intent of corruption

Ethics/Government-Contractor Relationships

Gifts

- Government representatives can except gifts under the following circumstances;

  “the 20 / 50 rule”

- If you are unsure contact the Designated Agency Ethics Official (DEAO)…JAG

Gifts: Just don’t take any…

Ethics in Action

- Master Sergeant with 19 years of service approaches contractor to provide information to help contractor receive award of a $50 million contract

- OSI investigations ensued, resulting in NCO being apprehended with $5,000 “down” payment

- NCO convicted in General Court Martial
  - Bad Conduct Discharge
  - Reduction to E-1
  - Forfeiture of all pay and allowances

Authority

- 2 Types: Implied & Expressed
- Implied authority is the apparent level of authority indicated by one's position
- Expressed authority is granted in writing and has specific limits and stipulations
- QAP has expressed authority only which is granted by the Contracting Officer

Changes

- Only the Contracting Officer can make changes to the contract

- The Contracting Officer's will notify the Contractor of any changes in the performance of the contract

There are two types of Changes:

- Formal Change – CO issues formal change orders or written modifications

- Constructive changes – Requests by Government reps outside the scope of their authority
  Technical Direction

Constructive Changes

Examples of Constructive Change:

- Requests for extra work…
- Directing the Contractor to do work outside the scope of the contract
- Acceleration of work, wherein the Government insists that the delivery schedule is met regardless of the Contractors valid/excusable delays

Unauthorized Commitments

An agreement that is not binding solely because the Government representative who made it lacked the authority to enter into that agreement on behalf of the Government

Ratifications

- The act of approving an unauthorized commitment by an official who has the authority to do so

- Certain circumstances must exist before the ratifying authority can ratify an unauthorized action

****Pecuniary Liability****

(You may have to pay…)

Performance-Based Services Acquisitions

- “Performance-based contracting” means structuring all aspects of an acquisition around the purpose of the work to be performed with the contract requirements.

- Focus should be whether the standards (desired end results) are met, versus evaluating if each individual task is performed

7 Steps to PBSA

1. Establish / describe the multi-function team…
2. Describe support objectives
3. Market Research…Establishing Requirements
4. Describe, Measure and Manage performance (Surveillance)
5. Develop / Finalize PWS & PP
6. Selecting the Contractor
7. Managing Performance

Key Personnel

- Senior Leadership
- Contracting Leadership
- Functional Director / Functional Commander
- Contracting Officer / Contract Administrators
- QAP

Contracting Officer

- Provides overall contract over-site…Advisor
- Delegates authority for Inspection & Acceptance in accordance with the terms of the contract
- Ensures contact compliance in accordance with the FAR
- Provides policy and guidance to QAP’s to include the their duties and limitations of their authority

Contract Administrators

- Ensures surveillance is conducted
- Complies / reviews Surveillance Reports
- Conducts Phase I & II training

Quality Assurance Personnel (QAP)

- Evaluates and documents Contractor performance
- Maintains surveillance documentation
- Recommend improvements to the Performance Plan (PP) and PWS
- Notify the Contracting Officer of significant performance deficiencies
- Certifies acceptance of services
- Furnish technical direction in accordance with the contract…

Contractor

- Comply fully with terms and conditions of the contract
- Provide most effective operations
- Eliminate unnecessary costs
- Maintains QCP (Quality Control Plan)

Contract Types

Two types of Contracts:

- Firm Fixed Price

- Cost Reimbursement
  - Used to provide an incentive to the contractor

Methods of Surveillance

1. Periodic Surveillance…watch performance or physically check attributes

2. Customer Complaint…QAP investigates…Inform CO

3. 100% Inspection…inspect each time a task is performed (not preferred method)

4. Special Audits
5. Random Sampling

- Document all surveillance…acceptable / unacceptable
- Primarily the QAP’s responsibility

Quality Control Plan (QCP)

- Contractor produces
- Contractor’s plan for ensuring that work performed meets contract requirements
- Government only Accepts or Rejects the Plan

Do’s

1. Represent the contracting officer in all technical matters concerning your contract.

2. Consult with the contracting officer when in doubt about any matter involving a contract or contractor

3. Assist the contracting officer to ensure complete and timely performance by the contractor is received

4. Use the surveillance plan as applicable to your contract

Do’s, continued

5. Keep abreast of the contractor’s performance through proper monitoring.

6. Give the contractor fair and equal treatment; in all dealings be consistent in your approach.

7. Accept the services for the government and forward a receiving report / certification of services received to the contracting officer each month.

8. Ensure you receive proper QAP training before starting their duties…

Don’ts

1. Make or imply any agreement's with the contractor relating to commencement of work or expenditure of government funds.

2. Act in any way with a contractor or contract employee which may create or imply favoritism.

3. Monitor a contract so closely and rigidly that the contractor will lose direction of the work.

4. Provide information relating to any potential new contract or pending modification actions

Don’ts, continued

5. Give specialized treatment, tours, or information concerning future contracts, changes, or options to the present contractor

6. Negotiate or execute any new contract, modification to existing contract, or any option to a contract.

7. Make final determinations of a contractor’s liability for loss, damage, or unreasonable use of government furnished material

Web Links

- **https://www.safaq.hq.af.mil/contracting/affars/5346/library-5346.html**

Questions?